

EXHIBIT 5



Columbus | Cincinnati | Cleveland | New Jersey | New York

Dann
Law

216-373-0539
Main Office Telephone

notices@dannlaw.com
Office-Wide Email

216-373-0536
Fax

August 19, 2022

RightPath Servicing
Notice of Error/Request for Information
P.O. Box 619098
Dallas, TX 75261-9741

**Sent via Certified Mail Tracking No.[7021 2720 0000 5688 3872]*

In the Matter of:

Borrower's Name: Judith L. Bartell-Groves and James Groves
Property Address: 3915 Spokane Ave., Cleveland, OH 44109
Mortgage Account No.: [REDACTED]

*****If responding to this correspondence by e-mail, please send to notices@dannlaw.com***

Re: Appeal of Denial of Loss Mitigation Option pursuant to 12 C.F.R. §1024.41(h) and 12 U.S.C. §2605(k)(1)(C)

Dear Sir or Madam:

Please consider this letter to constitute an Appeal under 12 C.F.R. § 1024.41(h) of Regulation X of the Mortgage Servicing Act under RESPA, which became effective on January 10, 2014. These amendments implemented the Dodd-Frank Wall Street Reform and Consumer Protection Act provisions regarding mortgage loan servicing.

Under these amendments, RightPath Servicing ("RightPath") must advise us of your response to this appeal **within thirty (30) days** of receipt.

We are in receipt of your letter dated August 11, 2022. The letter is a denial for what you termed a "FHA Disaster Modification". ***A copy of such correspondence is enclosed for your reference and review.***

The letter states the reason for denial as: "Insufficient Monthly Payment Reduction: The required modification terms would result in a principal and interest mortgage payment that is greater than your current principal and interest payment and therefore does not meet the requirements of the program."

1. Please verify that what you state as "FHA Disaster Modification" is actually the Recovery Modification.



August 19, 2022

Page 2

2. Please provide the section of FHA guidelines that state the modified principal and interest payment must be less than the current principal and interest payment.

We believe you have provided inaccurate information. We believe that no such requirement exists.

We also request that you provide an itemization of amounts used to determine the total amount resolved. So, to be clear, provide the following amounts used when reviewing borrower for the modification, which you state created an increased payment:

1. Interest Arrears Amount and Calculation (provide from and to dates)
2. Negative Escrow Amount included in Total Amount Resolved.
3. Escrow Shortage Amount Included in Total Amount Resolved.
4. Itemize all fees paid to 3rd Parties Included in Total Amount Resolved.
5. Itemize all other fees included in Total Amount Resolved
6. Provide the exact date the file was reviewed and it was determined the borrower did not qualify.
7. Provide the interest rate used in your review.
8. Provide the Principal and Interest Payment determined. Along with the term/amortization period used.
9. Provide the Modified Balance and the amount of partial claim.

Accordingly, we demand that RightPath perform an independent review of the Borrowers' loss mitigation application pursuant to this appeal and immediately review the Borrowers' eligibility for any and all loss mitigation options available to the Borrowers including any COVID-19 related loss mitigation options that were made available by the owner of the Loan. Provide the Borrowers, through our office, with a determination of the Borrowers' eligibility under any and all loss mitigation options/programs available to the Borrowers under any of your external or internal programs and the reason or reasons for this determination.

Best Regards,

A handwritten signature in blue ink that reads 'Karen Ortiz'.

Karen Ortiz

Enclosures

**Borrower Authorization
of Third Party**Right Path
Mortgage Service name

Customer Service/Loss Mitigation Phone Number

Borrower(s) name(s) James W. Groves and Judith Groves
 Property address 3915 Spokane Ave., Cleveland, OH 44109
 Mortgage loan account number(s) [REDACTED]

Third Party Information (all applicable fields must be completed)

Name of Entity, Agency, Firm DannLaw Phone number 216-373-0839
 Name(s) of authorized person(s) Marc Dann, Daniel Solar, Bill Behrend, Brian Flick, Javier Merino, Emily Wilko, Michael Smith, Whitney Horton, Amy Gallina, Ashley Wilk, Kim White, Karan Ortiz, Allison May, Bobby Rivera
 Mailing address 15000 Madison Ave., Lakewood, OH 44107
 Office address 15000 Madison Ave., Lakewood, OH 44107
 Email notices@dannlaw.com Website URL www.dannlaw.com
 Tax ID# [REDACTED] State license # (if required) _____ Issuing state _____

For non-profit agencies only *

HUD Approved Counseling Agency?

☐ Yes ☐ No

Approval valid until (date) _____

HUD HCS # _____

* Attach National Foreclosure Mitigation Counseling form if needed

For attorneys only **

Do you represent the above named Borrower for a workout arrangement with the named Servicer?

☒ Yes ☐ NoFirm Name DannLawIndividual Attorney name(s) Marc Dann (OH), Dan Solar (OH)
Javier Merino (NJ, NY) Brian Flick (OH, KY)All states where licensed Ohio, New York, New Jersey, Kentucky

** Attorney who represents Borrower must sign below

Third Party Acknowledgement

The undersigned, on behalf of the Third Party, represents that (i) it is in compliance with Regulation O (Mortgage Assistance Relief Services), if applicable, and all other applicable laws and regulations; and (ii) the Third Party Information provided above is true and correct. The undersigned acknowledges that a misrepresentation or omission of fact made in connection with a government program such as Making Home Affordable may result in civil/criminal prosecution.

Signature of Third Party Marc E. Dann Date 6/07/22Printed name Marc E. Dann Title Managing AttorneyBorrower Initials [Signature] BORROWER INITIALS

BORROWER AUTHORIZATION OF THIRD PARTY

Borrower Authorization (Please Initial/Sign)

Third Party you are authorizing (from first page) _____

JWB I (Borrowers listed below) authorize the above named Third Party to discuss, assist with, or, if applicable, negotiate a workout arrangement on my mortgage(s) with the above named Mortgage Servicer (its affiliates, agents, employees, and successors). A workout arrangement could include a modification or other relief.

JWB I authorize my Mortgage Servicer, and Third Party and Treasury (and its agents) to share with each other public and non-public information about my finances and my mortgage for the purpose of assisting me in obtaining a workout arrangement, including but not limited to: (i) my mortgage payment history, terms of my mortgage; and (ii) my social security number, credit score, income, debts and other information related to obtaining and servicing my mortgage.

JWB I understand that my Mortgage Servicer may contact me directly except in limited situations, such as when I am represented by an attorney, and the Servicer and I must agree to any workout arrangement. I may still contact my Mortgage Servicer at any time.

JWB I understand that this Third Party Authorization Form may not be accepted by my Mortgage Servicer and my Mortgage Servicer will notify me in writing if it is not accepted. Mortgage Loan Servicers have procedures designed to detect fraud or improper activity and must follow privacy laws to protect borrower information.

This Authorization expires one year from the date signed unless Borrower cancels it earlier by writing to the Servicer or by completing an Authorization of a different Third Party.

Do not sign this form until the form is fully completed. Keep a copy of this form.

Be aware of scam!

Federal and State government agencies have prosecuted hundreds of companies and lawyers who illegally charge up-front fees.

Report scams at
HOPE Hotline:

888-995-HOPE (4678)

Signature of borrower

Printed name

Last 4 digits of SSN

Phone #

Email

Signature of co-borrower

Printed name

Last 4 digits of SSN

Phone #

Email

This form should be transmitted to the Mortgage Servicer as soon as possible and no later than 90 days after the date signed.

PROBATE COURT OF CUYAHOGA COUNTY, OHIO
ANTHONY J. RUSSO, PRESIDING JUDGE
LAURA J. GALLAGHER, JUDGE

IN THE MATTER OF THE GUARDIANSHIP OF JAMES W. GROVES
Case Number: 2021GRD263748

LETTERS OF GUARDIANSHIP
(R.C. 2111.02)

JUDITH L. BARTELL-GROVES is appointed Guardian of JAMES W. GROVES, a(n)
☒ Incompetent ☐ Minor.

Guardian's powers are:

All powers conferred by the laws of Ohio and rules of this Court over the ward's:

☒ Person and Estate ☐ Person* ☐ Estate

*Guardian of Person shall be entitled to the release of financial INFORMATION of the ward, but may only receive funds if specifically authorized by order of the Court.

Limited to: _____

Those guardianship powers, until revoked, are for an

☒ indefinite ☐ definite time period to:

The above named Guardian has the power conferred by law to do and perform all the duties of Guardian as described. No expenditure shall be made without prior Court authorization.



10/15/2021

Date of appointment

JUDGE ANTHONY J. RUSSO

NOTICE TO FINANCIAL INSTITUTIONS

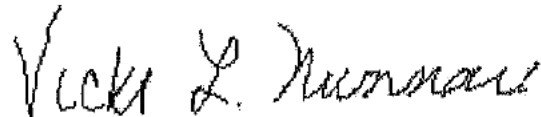
Funds being held in the name of the within-named Ward shall not be released to Guardian without a Court order directing release of a specific fund and amounts thereof.

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of this Court. It constitutes the appointment and letters of authority of the named guardian, who is qualified and acting in such capacity.

(Seal)

ANTHONY J. RUSSO, PRESIDING JUDGE



Deputy Clerk

Issue Date: 12/01/2021

PROBATE COURT OF CUYAHOGA COUNTY
DIVISION OF THE COURT OF COMMON PLEAS
1 LAKESIDE AVE. W.
CLEVELAND, OHIO 44113

ANTHONY J. RUSSO,
PRESIDING JUDGE

LAURA J. GALLAGHER,
JUDGE

JOHN HOMOLAK,
COURT
ADMINISTRATOR

HEIDI M. KOENIG, CHIEF
MAGISTRATE

DAVID MILLS,
DIRECTOR
GUARDIANSHIP,
ADOPTION AND
PSYCHIATRIC
SERVICES

NOTICE TO FINANCIAL INSTITUTIONS
(GUARDIAN OF ESTATE)

Please take notice of the following language which appears within the Letters of Guardianship: **"Funds being held in the name of the within-named Ward shall not be released to Guardian without a Court order directing the release of a specific fund and amounts thereof."**

Be advised that this provision applies only to funds that are in the name of the Ward which the guardian is seeking to transfer into a Guardian's account, whether at your financial institution or another financial institution. Only in that event is a bonded fiduciary required to provide a Court order releasing accounts to the guardian. **The provision does not apply to nor is it intended to limit the ability of a bonded fiduciary to transact business within a guardian account.**

VERIFICATION OF RECEIPT AND DEPOSIT

Certain probate orders require that funds be held in a restricted account, and that funds may only be withdrawn pursuant to a valid Court order. This occurs when the guardian is not bonded, and happens most frequently in accounts involving minors. In such a circumstance, an officer from the financial institution will have executed Probate Form 22.3, Verification of Receipt and Deposit. In that event, the financial institution is obligated to hold those funds until the minor attains the age of majority, or unless released by a specific Court order.

If you have any questions regarding a specific case, please contact the Court Guardianship Department, 216-443-8995.

ANTHONY J. RUSSO, PRESIDING JUDGE

LAURA J. GALLAGHER,
JUDGE

Borrower Authorization of Third Party

Right Path
Mortgage Servicer name

Customer Service/Loss Mitigation Phone Number

Borrower(s) name(s) *James W. Groves*
Property address *3915 Spokane Ave., Cleveland, Ohio 44109*
Mortgage loan account number(s) [REDACTED]

Third Party Information (all applicable fields must be completed)

Name of Entity, Agency, Firm *DannLaw* Phone number *216-373-0539*
Name(s) of authorized person(s) *Marc Dann, Daniel Solar, Bill Behrens, Brian Flick, Javier Merino, Emily White, Michael Smith, Whitney Kaster, Amy Collins, Kim White, Karen Ortiz, Amanda Severi, Roberto Rivera*
Mailing address *15000 Madison Ave., Lakewood, OH 44107*
Office address *15000 Madison Ave., Lakewood, OH 44107*
Email *notices@dannlaw.com* Website URL *www.dannlaw.com*
Tax ID# *46-2722282* State license # (if required) Issuing state

For non-profit agencies only *

HUD Approved Counseling Agency?

☐ Yes ☐ No

Approval valid until (date) _____

HUD HCS # _____

* Attach National Foreclosure Mitigation Counseling form if needed

For attorneys only **

Do you represent the above named Borrower for a workout arrangement with the named Servicer?

☒ Yes ☐ No

Firm Name *DannLaw*

Individual Attorney name(s) *Marc Dann (OH), Dan Solar (OH), Javier Merino (NJ, NY), Brian Flick (OH, KY)*

All states where licensed *Ohio, New York, New Jersey, Kentucky*

** Attorney who represents Borrower must sign below

Third Party Acknowledgement

The undersigned, on behalf of the Third Party, represents that: (i) it is in compliance with Regulation O (Mortgage Assistance Relief Services), if applicable, and all other applicable laws and regulations; and (ii) the Third Party information provided above is true and correct. The undersigned acknowledges that a misrepresentation or omission of fact made in connection with a government program such as Making Home Affordable may result in civil/criminal prosecution.

Signature of Third Party *Marc E. Dann*

Date

Printed name *Marc E. Dann*

Title *Managing Attorney*

JWG BORROWER INITIALS

BORROWER AUTHORIZATION OF THIRD PARTY

Borrower Authorization (please initial all items)

Third Party you are authorizing (from first page)

JWG I (Borrowers listed below) authorize the above named Third Party to discuss, assist with, or, if applicable, negotiate a workout arrangement on my mortgage(s) with the above named Mortgage Servicer (its affiliates, agents, employees, and successors). A workout arrangement could include a modification or other relief.

JWG I authorize my Mortgage Servicer, and Third Party and Treasury (and its agents) to share with each other public and non-public information about my finances and my mortgage for the purpose of assisting me in obtaining a workout arrangement, including but not limited to: (i) my mortgage payment history, terms of my mortgage; and (ii) my social security number, credit score, income, debts and other information related to obtaining and servicing my mortgage.

JWG I understand that my Mortgage Servicer may contact me directly except in limited situations, such as when I am represented by an attorney, and the Servicer and I must agree to any workout arrangement. I may still contact my Mortgage Servicer at any time.

JWG I understand that this Third Party Authorization Form may not be accepted by my Mortgage Servicer and my Mortgage Servicer will notify me in writing if it is not accepted. Mortgage Loan Servicers have procedures designed to detect fraud or improper activity and must follow privacy laws to protect borrower information.

This Authorization expires one year from the date signed unless Borrower cancels it earlier by writing to the Servicer or by completing an Authorization of a different Third Party.

Do not sign this form until the form is fully completed. Keep a copy of this form.

Be aware of scams!

Federal and State government agencies have prosecuted hundreds of companies and lawyers who illegally charge up-front fees.

**Report scams at
HOPE Hotline:**

888-995-HOPE (4673)

Signature of borrower

Printed name

Last 4 digits of SSN

Phone #

Email

Signature of co-borrower

Printed name

Date

Last 4 digits of SSN

Phone #

Email

This form should be transmitted to the Mortgage Servicer as soon as possible and no later than 90 days after the date signed.

PROBATE COURT OF CUYAHOGA COUNTY, OHIO
ANTHONY J. RUSSO, PRESIDING JUDGE
LAURA J. GALLAGHER, JUDGE

IN THE MATTER OF THE GUARDIANSHIP OF JAMES W. GROVES
Case Number: 2021GRD263748

LETTERS OF GUARDIANSHIP
(R.C. 2111.02)

JUDITH L. BARTELL-GROVES is appointed Guardian of JAMES W. GROVES, a(n)
☒ Incompetent ☐ Minor.

Guardian's powers are:

All powers conferred by the laws of Ohio and rules of this Court over the ward's:

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*Guardian of Person shall be entitled to the release of financial INFORMATION of the ward, but may only receive funds if specifically authorized by order of the Court.

Limited to: _____

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The above named Guardian has the power conferred by law to do and perform all the duties of Guardian as described. No expenditure shall be made without prior Court authorization.

10/15/2021

Date of appointment



JUDGE ANTHONY J. RUSSO

NOTICE TO FINANCIAL INSTITUTIONS

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CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of this Court. It constitutes the appointment and letters of authority of the named guardian, who is qualified and acting in such capacity.

(Seal)

ANTHONY J. RUSSO, PRESIDING JUDGE



Deputy Clerk

Issue Date: 12/01/2021

PROBATE COURT OF CUYAHOGA COUNTY
DIVISION OF THE COURT OF COMMON PLEAS
1 LAKESIDE AVE. W.
CLEVELAND, OHIO 44113

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DAVID MILLS,
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LAURA J. GALLAGHER,
JUDGE

PROBATE COURT OF CUYAHOGA COUNTY, OHIO
ANTHONY J. RUSSO, PRESIDING JUDGE
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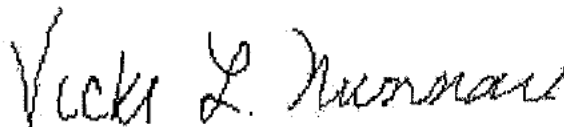
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(Seal)

ANTHONY J. RUSSO, PRESIDING JUDGE



Deputy Clerk

Issue Date: 12/01/2021

PROBATE COURT OF CUYAHOGA COUNTY

DIVISION OF THE COURT OF COMMON PLEAS
1 LAKESIDE AVE. W.
CLEVELAND, OHIO 44113

**ANTHONY J. RUSSO,
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**LAURA J. GALLAGHER,
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**DAVID MILLS,
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**NOTICE TO FINANCIAL INSTITUTIONS
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ANTHONY J. RUSSO, PRESIDING JUDGE

**LAURA J. GALLAGHER,
JUDGE**



PO Box 619097
Dallas, TX 75261

08/11/2022



OUR INFO
ONLINE
www.rightpathservicing.com



YOUR INFO
LOAN NUMBER

PROPERTY ADDRESS
3915 SPOKANE AVENUE
CLEVELAND, OH 44109



5509 1 AB 0.491 T16 P1 AUTO 487729.2-NNNNNN-30881313

JAMES GROVES
C/O DANN LAW
15000 MADISON AVENUE
LAKEWOOD, OH 44107

Dear JAMES GROVES:

We have reviewed your application for mortgage assistance. Please find a summary of the programs for which you were evaluated below, based on the eligibility requirements of Federal Housing Administration (FHA), the owner/guarantor/trustee of your mortgage loan. Federal Housing Administration (FHA) requires us to review your application for the options available to you in a certain order. This means that if you are approved for an option higher in the order, you may not qualify for options that are lower down on the list.

Please note that we have reviewed you for options that would allow you to keep the property and for options that would mean that you would not keep the property. Although you may have requested a specific loss mitigation option, we have evaluated you for all other available options to ensure you have sufficient information to make an informed decision.

- **Partial Claim - Declined**
- **FHA Disaster Modification - Declined**

If approved for any options, please note that these options are available only to the named Borrower(s) referenced above. If you have obtained the property through death, divorce, or other means and you qualify as a successor in interest, you may still be eligible for loss mitigation options, but we will need additional information to confirm your identity and ownership interest in the property. Please contact us to discuss your next steps.

Detailed information about the available loss mitigation programs and our analysis of your eligibility are provided below. You may find you are approved, or conditionally approved, for several different options. If you are eligible for more than one option, you may only accept one offer. Please note the deadlines to respond to each offer because if you do not respond in time, we will treat that as a rejection of the offer. To appeal a modification denial, you must appeal by the specified deadline.

Please be sure to read the instructions related to each option carefully. Please note that, unless specified otherwise, the instructions in each section relate only to the option discussed in that section.

I. Retention Options: Retention options allow a borrower to continue to make payments and remain in the property.

- A. Reinstatement:** A reinstatement is a single lump-sum payment to bring the mortgage current by paying all past due amounts, including amounts paid on a borrower's behalf, if any, as a result of failure to pay the mortgage on time.

To Reinstate your mortgage, please refer to your Monthly Billing Statement.

- B. Modification:** A modification changes the terms of the loan to cure past-due amounts and usually provides for more affordable payments.

You were not approved for the following retention option(s).

RightPath ServicingSM and Mr. Cooper[®] are brand names for Nationstar Mortgage LLC.

Nationstar Mortgage LLC d/b/a RightPath Servicing is a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose. However, if you are currently in bankruptcy or have received a discharge in bankruptcy, this communication is not an attempt to collect a debt from you personally to the extent that it is included in your bankruptcy or has been discharged but is provided for informational purposes only.

If you are a successor in interest (received the property from a relative through death, devise, or divorce, and you are not a borrower on the loan) that has not assumed, or otherwise become obligated on the debt, this communication is for informational purposes only and is not an attempt to collect a debt from you personally.



487729.2-5509.1



Notice: The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is: Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

If you were denied for any workout option, we may have obtained a credit report or credit score for our evaluation. The consumer reporting agencies that may have provided information, which may have influenced the decision in whole or in part, are listed below. The reporting agencies played no part in the decision and are unable to supply specific reasons why your request for a workout was denied. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. You also have a right to a free copy of your report from the credit reporting agencies, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agencies. Any questions regarding such information should be directed to the credit reporting agencies.

Reporting Agency	Address	Telephone
Equifax Information Services LLC	PO Box 740241 Atlanta, GA 30374	800-685-1111
Experian	PO Box 2002 Allen, TX 75013	888-397-3742
Transunion	PO Box 1000 Chester, PA 19022	866-887-2673

If you have any questions, your Dedicated Loan Specialist is D'Affner Sainvil and can be reached at (833)-685-2590 or via mail at PO Box 619097, Dallas, TX 75261. Our hours of operation are Monday through Friday from 8 a.m. to 7 p.m. (CT). Visit us on the web at www.rightpathservicing.com for more information.

Sincerely,

RightPath Servicing



Notices of Error:

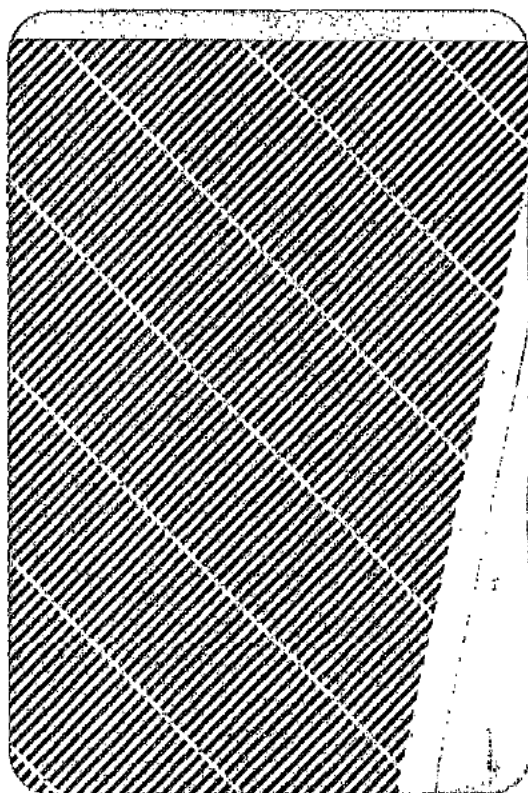
If you believe an error has been made with respect to your mortgage loan, you should provide to us in writing the following information: Your name (and the name of the borrower, if you are an authorized third party), the loan account number, and the error you believe has occurred. To submit a notice of error, you must send this information to the following address:

RightPath Servicing
Notice of Error/Request for Information
PO Box 619098
Dallas, TX 75261-9741

Requests for Information:

To request information regarding your account, you should provide to us in writing the following information: Your name (and the name of the borrower, if you are an authorized third party), the loan account number, and the information you are requesting with respect to your mortgage loan. To submit a request for information, you must send this information to the following address:

RightPath Servicing
Notice of Error/Request for Information
PO Box 619098
Dallas, TX 75261-9741



FIRST-CLASS MAIL
PRESORTED
U.S. POSTAGE PAID
44101
PERMIT NO. 965

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

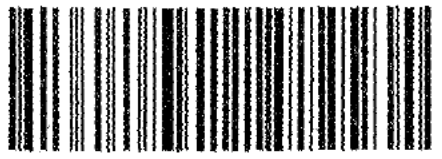
☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postmark Here **07064**

7021 2720 0000 5688 3872

7021 2720 0000 5688 3872



CERTIFIED MAIL

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT NOTCH LINE.

7021 2720 0000 5688 3872

RightPath Servicing
 Notice of Error/Request for Information
 P.O. Box 619098
 Dallas, TX 75261-9741

PS Form 3800 (April 2015) PSN 7530-02-000-9000 See Reverse for Instructions